

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Victor Tagle,  
5 Plaintiff

6 v.

7 Department of Homeland Security, et al.,  
8 Defendants  
9

Case No. 2:17-cv-02846-JAD-NJK

**Order**

[ECF No. 1]

10 Pro se prisoner Victor Tagle brings this civil-rights action and applies to proceed *in forma*  
11 *pauperis*.<sup>1</sup>

12 Mr. Tagle is a frequent filer at this courthouse. On at least three occasions, the Court has  
13 dismissed actions filed by Mr. Tagle while in detention as malicious or for failure to state a claim  
14 upon which any relief may be granted. Title 28 U.S.C. § 1915(g) provides, “if [a] prisoner has,  
15 on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or  
16 appeal in a court of the United States that was dismissed on the grounds that it is frivolous,  
17 malicious, or fails to state a claim upon which relief may be granted,” he may not proceed *in*  
18 *forma pauperis* and, instead, must pay the full \$400.00 filing fee in advance unless he is “under  
19 imminent danger of serious physical injury.”<sup>2</sup>

20 Mr. Tagle alleges issues with his previous military service and immigration status, but his  
21 allegations fail to show that he is in imminent danger of serious physical injury.<sup>3</sup> So, if Mr. Tagle  
22 wants to proceed with this action, he must pre-pay the \$400.00 filing fee in full.  
23

24 <sup>1</sup> ECF Nos. 1, 1-1.  
25

26 <sup>2</sup> 28 U.S.C. § 1915(g).

27 <sup>3</sup> *Id.* See *Andrews v. Cervantes*, 493 F.3d 1047, 1055 (9th Cir. 2007) (holding that the exception  
28 to § 1915(g) applies if the complaint makes a plausible allegation that the prisoner faced  
imminent danger of serious physical injury at the time of filing).

Accordingly, IT IS HEREBY ORDERED that plaintiff's application to proceed *in forma pauperis* [ECF No. 1] is **DENIED**.

IT IS FURTHER ORDERED that **this action will be dismissed without prejudice and without further prior notice unless plaintiff pays the \$400.00 filing fee in full by December 18, 2017.**

**The Clerk of the Court is directed to retain the complaint [ECF No. 1-1] and send plaintiff two copies of this order.** Plaintiff must make the necessary arrangements to have one copy of this order attached to the check paying the filing fee.

DATED: November 16, 2017

U.S. District Judge Jennifer A. Dorsey